



Comptroller General
of the United States
Washington, D.C. 20548

Westfall
144152

Decision

Matter of: Corbin Superior Composites, Inc.--Reconsideration

File: B-242394.4

Date: June 7, 1991

George T. Corbin, Jr., and Tedl D. Corbin for the protester. Jennifer Westfall-McGrail, Esq., and Christine S. Melody, Esq., Office of the General Counsel, GAO, participated in the preparation of the decision.

Issue

Request for reconsideration of prior decision denying protest of requirement for visual inspection of inflating cylinders after endurance test portion of first article test and rejection of cylinders exhibiting any unwrapping of fiberglass is denied where protester offers no evidence to contradict the agency's position that visual inspection of the cylinders and rejection of those exhibiting any unwrapping of fiberglass is required since such unwrapping results in a breach of the cylinders' barrier coating through which moisture can enter and cause the fiberglass to lose its strength.

Decision

Corbin Superior Composites, Inc. requests reconsideration of our decision Corbin Superior Composites, Inc., B-242394, Apr. 19, 1991, 91-1 CPD ¶ ___, in which we denied its protest of an allegedly overly restrictive technical requirement in invitation for bids (IFB) No. N00104-91-B-0001, issued by the Navy Ships Parts Control Center for inflating cylinders to be used on U.S. Navy life rafts.

We deny the request for reconsideration.

In its original protest, Corbin objected to the requirement for visual inspection of the cylinders between the endurance and burst test portions of the first article test and for rejection of any cylinders exhibiting any unwrapping of fiberglass. Corbin argued that these requirements exceeded the agency's minimum needs and targeted for exclusion from the competition its cylinders, which use a "hoop wrap" of

fiberglass, which does not contribute to the structural strength of the cylinders and which may unravel slightly during first article testing, to hold its manufacturer's label in place. In response, the Navy explained that a number of the highly pressurized cylinders have exploded in recent years and that it has determined that it is the cylinder's fiberglass laminate (rather than its aluminum liner) that is failing. The Navy further explained that although it has not as yet been able to determine with certainty why the fiberglass is failing, it thinks that the failure may be caused by the absorption of moisture into the fiberglass over time. Thus, according to the Navy, a visual inspection of the cylinders between the endurance and burst tests is necessary to assure that the barrier coating applied to the cylinders' exterior surface has not been impaired during the endurance test, and rejection of cylinders showing any unwrapping of fiberglass is required since such unwrapping results in a break in the barrier coating, which will accelerate the rate at which moisture penetrates the fiberglass and thereby increase the rate at which the fiberglass degrades. We concluded, based upon this explanation, that the Navy had demonstrated a reasonable basis for the requirement and therefore denied the protest.

In its request for reconsideration, Corbin argues that during our consideration of its original protest, the Navy failed to inform us that all of the cylinders that have exploded to date were manufactured by one of its competitors, Comdyne I, Inc. Although the protester does not elaborate as to the significance of this allegation, we assume the thrust of its argument to be that the Navy's minimum needs do not require the rejection of cylinders exhibiting any unwrapping of fiberglass--a requirement which, according to Corbin, is directed at its cylinders--since the Navy has not demonstrated that the explosion in the fleet were caused by an unwrapping of fiberglass in Corbin's cylinders.

In our prior decision, we addressed Corbin's argument that the Navy had not established a nexus between the unraveling of its hoop wrapping during testing and the explosions in the fleet, noting that the Navy had not alleged that there was a documented link between the two events. Rather, we explained, the Navy had determined that it was a failure of the cylinders' fiberglass laminate that was causing the explosions and theorized that the cause--or one of the causes--of this failure was the absorption of moisture into the fiberglass. The Navy further reasoned that if the barrier coating of the

cylinder was in any way compromised--as, for example, occurred when the hoop wrap on Corbin's cylinders unraveled--the absorption of moisture into the fiberglass would be accelerated, thereby increasing the rate of moisture-driven degradation and increasing the chance that the cylinder would eventually explode. We recognized that the Navy's concern about the impact of moisture absorption into the fiberglass was theoretical to some extent since the agency had as yet been unable to determine the precise cause of the cylinder failures. We were unable to conclude that the requirement for rejection of cylinders exhibiting any unwrapping of fiberglass was unreasonable, however, given that the record contained no evidence to contradict the agency's position that the absorption of moisture into the fiberglass would weaken it over time or that a break in the barrier coating would accelerate the rate of moisture-driven degradation.

To obtain reversal or modification of a decision, the requesting party must convincingly show that our prior decision contains either errors of fact or law or information not previously considered that warrants its reversal or modification. 4 C.F.R. § 21.12(a) (1991); Gracon Corp.--Recon., B-236603.2, May 24, 1990, 90-1 CPD ¶ 496. Here, Corbin offers no evidence that the agency's concerns about the possible impact of moisture absorption into the fiberglass laminate are unfounded; thus, we still have no basis upon which to conclude that the challenged requirement is unreasonable.


In its request for reconsideration, Corbin also alleges that the Navy is currently in the process of acquiring additional cylinders from Comdyne I which do not conform to the military specification governing the design and construction of the cylinders, MIL-C-24604. The protester alleges that while the Navy was evaluating the bids received in response to the IFB at issue in the protest here, the contracting officer contacted Comdyne I by telephone and offered it an "urgent need" contract to supply 1,945 cylinders. According to the protester, Comdyne accepted this offer and was awarded a contract on February 22, 1991.^{1/}

Corbin's allegations concerning other contract awards to Comdyne I do not pertain to the solicitation at issue in this protest, and thus are not relevant to this request for reconsideration. In any event, an allegation that an awardee will not perform in accordance with the terms of its

^{1/} Corbin does not directly protest the alleged sole source award to Comdyne, but, rather, discusses it only as it relates to Comdyne's alleged noncompliance with the military specification.

contract^{2/} concerns a matter of contract administration, which our Office will not review. 4 C.F.R. § 21.3(m)(1); Berema, Inc., B-239212, June 22, 1990, 90-1 CPD ¶ 584.

The request for reconsideration is denied.


✓ James F. Hinchman
General Counsel

^{2/} We presume that the contract awarded to Comdyne I requires that the cylinders be manufactured in accordance with MIL-C-24604.